

RELATING TO THE ACTIVITIES OF TEMPORARY AND
CERTAIN OTHER EMPLOYEES OF THE BUREAU OF
LAND MANAGEMENT

JULY 10, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BENTSEN, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H. R. 2976]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 2976) relating to the activities of temporary and certain other employees of the Bureau of Land Management, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 1, line 8, strike the period, insert a comma in lieu thereof, and add the words "if such employment does not exceed six months in any one calendar year."

EXPLANATION OF THE BILL

The purpose of this bill is to permit the liberalization of the provisions of section 452, Revised Statutes (43 U. S. C., sec. 11), insofar as it applies to certain incidental employees of the Bureau of Land Management, Department of the Interior, whose employment does not exceed 6 months in any one calendar year. No appropriation of Federal funds is required.

Section 452, Revised Statutes, prohibits—

officers, clerks, or employees in the Bureau of Land Management * * * from directly or indirectly purchasing or becoming interested in the purchase of any of the public lands.

A strict interpretation of this law would prevent any employee, no matter how temporary his employment status, from acquiring any interest in public lands during his employment or from representing clients in matters before the Government.

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Such interpretation works hardship in the recruitment of appropriate personnel in certain cases. For example, firefighting personnel cannot homestead public lands although they may actually be on the Bureau of Land Management's payroll for only a few days during the year. In Alaska the situation is particularly acute because most of the land is held by the Federal Government and it is difficult for a Federal employee to acquire a home that is not on federally owned land.

This bill is not intended in any way to remove the restrictions applying to permanent employees or even part-time employees who might be employed more or less regularly. It is intended to cover only incidental employees, such as temporary, limited, part-time, W. A. E. (when actually employed), or W. O. C. (without compensation) employees of the Bureau of Land Management, as well as advisory board members, who are chosen in the first instance because of their concern with public land matters. It would not prevent the Secretary of the Interior from issuing appropriate regulations to limit the activities of any employees of the Department.

The committee has further defined the employees who would be affected by this bill by amending it to provide that it shall not apply if the employment exceeds 6 months in any one calendar year.

H. R. 2976 was introduced as the result of an executive communication from the Secretary of the Interior requesting the enactment of such legislation. A similar bill passed the House last Congress but was not acted upon by the Senate before adjournment.

The Secretary's letter of February 21, 1951, is set forth below in full:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25 D. C., February 2, 1951.

Hon. SAM RAYBURN,
Speaker of the House of Representatives, Washington 25, D. C.

MY DEAR MR. SPEAKER: Enclosed is a draft of a proposed bill relating to the activities of temporary and certain other employees of the Bureau of Land Management. The proposed bill is identical with H. R. 8610, Eighty-first Congress, which passed the House of Representatives on June 19, 1950.

I respectfully request that the proposed bill be referred to the appropriate committee for consideration, and I recommend that it be enacted.

The proposed bill would except temporary, limited, part-time, W. A. E. (when actually employed), or W. O. C. (without compensation) employees of the Bureau of Land Management from the provisions of section 452, Revised Statutes (43 U. S. C. sec. 11) which prohibits "officers, clerks, and employees in the Bureau of Land Management * * * from directly or indirectly purchasing or becoming interested in the purchase of any of the public land." The bill would, in addition, except any member of an advisory board of the Bureau of Land Management from certain provisions of law which do not allow various Government employees to render services for and represent clients in matters before Government agencies, and to be compensated for such services.

These provisions are necessary in view of the broad language of the statutes mentioned in the bill which may be construed as preventing any employee, no matter how temporary or attenuated his employment status, from acquiring any interest in public lands during his employment or from representing clients in matters before the Government.

If even temporary employees are prohibited from acquiring public-land interests, the recruitment of appropriate personnel becomes difficult in certain cases. This problem is particularly acute with respect to the employment of fire-fighting personnel, and also of grazing district advisers who must be "local stockmen" under the terms of section 18 of the Taylor Grazing Act of June 28, 1934,

as amended (53 Stat. 1002; 43 U. S. C., sec. 315 0-1). A few of the latter are also attorneys whose practice might be restricted without any offsetting benefit to the Government.

The proposed bill is not intended to prevent the Secretary of the Interior, under his administrative and supervisory functions, from issuing appropriate regulations which he may find in the public interest to limit the activities of any employees of his Department, whether or not such employees have a temporary status.

I am advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation to the Congress.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

The enactment of H. R. 2976, as amended, is unanimously recommended by the Committee on Interior and Insular Affairs.

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